

REMARKS

Reconsideration of the application is respectfully requested.

I. Status of the Claims

Claims 1-19 are pending. Claims 15-19 have been added. No new matter has been added by way of amendment or addition.

II. Allowable Subject Matter

Applicants appreciatively acknowledge the Examiner's indication of allowable subject matter in claims 3-10 and 14. Claims 18 and 19 have been added, which are claims 3 and 5 rewritten to be in independent form. Applicants submit that claims 18 and 19 are in condition for allowance.

III. Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1-2 and 11-13 under 35 U.S.C. § 102(b) as anticipated by U.S. Patent No. 6,159,161 to Hodosh. Applicants respectfully traverse the rejection.

Claim 1 of the present invention recites that "the control unit controls the drive motor to move the push member to gradually increase an injection speed of the anesthetic in the beginning of the injection and to move the push member to inject the anesthetic in a constant injection speed after a predetermined time has elapsed." The change from a low speed to a higher speed is to reduce the pain felt by a patient at the beginning of the injection. *See*, Specification, page 5, lines 5-9.

In contrast, this element is not disclosed by Hodosh. Hodosh, at best, discloses a motorized dental injector such that increasing the injection speed during the course of an injection procedure is

only possible in the embodiment wherein the injection speed is manually controlled by a human operator. Specifically, Hodosh states that, after pressing down on the lever 92 to engage the first set of contacts 108, 110 and begin the injection, “[t]he person operating the apparatus 10 can quicken the amount of fluid being dispensed into the tissue area by further pressing the lever 92 downwardly thereby engaging the second set of contacts 110, 112 or the third set of contacts 112, 114.” *See*, Hodosh, column 8, lines 18-22. This is in contrast to the present invention, wherein the control unit controls the drive motor to gradually increase the injection speed.

Further, two additional embodiments of Hodosh provide a microprocessor to instruct the motor to drive the rack member at a speed which will produce a single desired injection pressure. *See*, Hodosh, column 10, lines 22-24. In one of these embodiments, the average pressure for each potential injection site is determined by first obtaining pressure readings from a test group of patients for each potential injection site. The microprocessor is programmed to drive the motor at a predetermined speed which corresponds to the injection pressure required for a particular injection site. *See*, Hodosh, column 9, lines 52-64.

In the other embodiment, injection pressures are determined at the time of injection. Hodosh discloses including a pressure transducer to measure the natural pressure of the tissue at the injection site subsequent to the injection of a small amount of anesthetic. The measurement represents a pressure close to or slightly above the tissue’s natural pressure, and this measurement is sent to the microprocessor. The microprocessor then instructs the motor to operate at a speed to allow the delivery of anesthetic to the injection site at a pressure which is slightly less than the tissue’s natural pressure. *See*, Hodosh, column 10, lines 48-67 and column 11, lines 1-3.

Both of the microprocessor-controlled embodiments use a single injection speed during the actual injection of anesthetic, which is different from the control unit controlling a gradually increasing injection speed that ends with a constant injection speed, as claimed. Therefore, Hodosh does not disclose or suggest every element of claim 1. Thus, Applicants respectfully request withdrawal of the rejection to claim 1. Further, claims 2 and 11-13 depend from claim 1 and are allowable based at least upon the arguments above regarding claim 1.

Regarding the rejection of claim 2, the Examiner contends that any motorized device will output sound when in use which will also reflect the motor operating speed designated by the control unit. Claim 2 depends from claim 1 and is allowable based at least upon the arguments above regarding claim 1. Further, the sound being referred to is not the sound that would be generated by a mechanical device in operation. Therefore, Applicants have added new claim 15 which recites the elements of claim 2 as well as the feature that the sound output unit is "configured to output a buzzing or melodic sound..." This recitation makes clear that the sound being referred to is not simply noise that is incidental to the operation of a mechanical device, but rather an inventive feature provided by an operative component for a specific purpose. Support for this claim language can be found in the Specification at page 25, lines 1-6. Applicants respectfully request withdrawal of the rejection to claim 2. Applicants also respectfully request favorable consideration of new claim 15.

Regarding the rejections of claims 11-13, the claims depend from claim 1 and are allowable based at least upon the arguments above regarding claim 1. Further, elements of claims 11 and 12 are not disclosed by Hodosh. Specifically, Hodosh discloses a carpule receiving member 28 which is configured to hold the cartridge 12 and to be connectable to the cartridge holder connecting part

34. *See*, Hodosh, column 3, lines 54-58 and 64-66, and Figures 1 and 2. However, contrary to the Examiner's interpretation, Hodosh does not disclose a capability for holding cartridges of different lengths. This feature is recited in claim 12 of the present application. Therefore, Applicants have added new claim 16 which recites the elements of claims 11 and 12. Further, Applicants have added new claim 17 having language identical to claim 13 and which depends from new claim 16. New claims 16 and 17 are allowable based upon the arguments above regarding claims 11 and 12. Applicants respectfully request withdrawal of the rejection to claims 11-13. Applicants also respectfully request favorable consideration of new claims 16-17.

Applicants have also added new claims 18 and 19, which are claims 3 and 5 rewritten in independent form including all of the limitations of claim 1. In light of the Examiner's indication that claims 3 and 5 would be allowable if rewritten in independent form, Applicants thank the Examiner in advance for his favorable consideration of claims 18 and 19.

CONCLUSION

In view of the above amendment, each of the presently pending claims in this application is believed to be in immediate condition for allowance. Accordingly, the Examiner is respectfully requested to pass this application to issue.

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Respectfully submitted,

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